

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CARLOS MANUEL MARQUEZ-PIERCE,

Defendant.

**Case Nos. 2:19-CR-0108-WFN-1
2:21-CR-0016-WFN-1**

CRIMINAL MINUTES**DATE: MAY 5, 2021****LOCATION: SPOKANE****SENTENCING HEARING**

Hon. Wm. Fremming Nielsen

Joanna L. Knutson

Courtroom Deputy

Heather Foe

Law Clerk

Crystal L. Hicks

Court Reporter

Ann T. Wick

Government Counsel

Brooke D. Hagara and Andrea K. George

Defense Counsel**United States Probation Officer:** Jennifer Frieling (Telephonic)☒ **Open Court**☐ **Chambers**☒ **Telecon**

Defendant present in custody of United States Marshal with appointed counsel. Court confirmed with counsel that they had no objections to the PSR. Court also confirmed with defense counsel that the Defendant had the opportunity to review the PSR and further queried Defendant as to whether he had any objections; Defendant indicated he did not. The Court accepted the Presentence Investigation Report.

Ms. Hagara addressed the Court with the defense recommendation, the imposition of JVTa and/or AVAA Assessments, as well as requesting that the Court recommend the Defendant be designated to either Englewood, Colorado or Seagoville, Texas facility. Ms. Wick addressed the Court with her recommendation as well as on the issue of imposition of JVTa and/or AVAA Assessments. Ms. Wick also advised that neither of the two victims present wished to address the Court.

Defendant addressed the Court by reading a letter he had prepared. The Court determined the applicable Guideline range, reviewed the 3553 factors, and accepted the parties' 11(c)(1)(C) Plea Agreement.

2:19-CR-0108-WFN-1**2:21-CR-0016-WFN-1****Imprisonment: 276 Months****180 Months CONCURRENT to 2019 case****Supervised Release: Life****Life****Special Penalty Assessment: \$ 100.00****\$ 100.00****JVTa Assessment: Waived on a finding of indigency****Waived on a finding of indigency****AVAA Assessment: \$ 5,000.00 – Interest Waived****N/A****Fine: Waived****Waived****CONVENED: 10:04 A.M.****ADJOURNED: 11:02 A.M.****TIME: 0:58 HR.****CALENDARED [N/A]**

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- Appeal Rights:** Waived **in both matters**, including Defendant's right to file a post-conviction 2255 except one based on ineffective assistance of counsel
- Special Conditions:**
 (Imposed in Both matters):
- No communication or contact in any manner with the three victims, either directly or indirectly
 - No direct contact with any child under the age of 18
 - Employment prohibited where access to children under the age of 18
 - Allow Probation Officer to conduct searches of all computers as requested
 - Allow Probation Officer to conduct random inspections of all personal computing devices to which you possess or have access to
 - Life at an approved residence with no change without advance Probation Officer approval
 - Do not reside or loiter within 500 feet where children congregate
 - Mental health evaluation and treatment/counseling, if recommended
 - Submit to periodic polygraph testing at direction of Probation Officer
 - Possession or manufacturing of pornographic material prohibited
 - Disclose all electronic communication service accounts to Probation Officer
 - Search of person, vehicle, and residence
 - Complete a sex offender evaluation, including psychological and polygraph testing
 - Participate in and successfully complete an approved state-certified sex offender treatment program
 - Substance abuse evaluation and treatment/counseling, if recommended
 - Do not enter any establishment whose primary item of sale is alcohol; abstain from alcohol; Probation Officer authorized to order up to 6 UAs and/or BAs
 - Abstain from controlled substances, including marijuana; Probation Officer is authorized to order up to 6 UAs
 - Register as a sex offender in any state in which you reside or are employed
 - Cooperate in the collection of DNA as directed by Probation Officer
- Special Conditions (cont.)**

Court agrees to write a letter to the Bureau of Prisons recommending Defendant be designated to either the Englewood, Colorado facility or Seagoville, Texas facility.

Appeal rights in both matters waived by Plea Agreement including Defendant's right to file a post-conviction 2255 motion except one based upon ineffective assistance of counsel.

Ms. George requested the Court also recommend to the BOP that the Defendant be entered into the sex offender management program [SOMP] for the reasons stated on the record. The Court agreed to make the recommendation.

Court GRANTS Government's oral motion to dismiss Counts 2 of the Indictment in 2:19-CR-0108-WFN-1.